

1 TRINETTE G. KENT (State Bar No. 025180)  
2 KENT LAW OFFICES  
10645 North Tatum Blvd., Suite 200-192  
3 Phoenix, AZ 85028  
4 Telephone: (480) 247-9644  
Facsimile: (480) 717-4781  
5 E-mail: tkent@kentlawpc.com

6  
7 *Attorneys for Plaintiff,*  
8 *Ryan Gortcinsky,*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 Ryan Gortcinsky,

12  
13 Plaintiff,

14 vs.

15 Equifax Information Services, LLC,  
16 a Georgia corporation;  
17 Trans Union, LLC,  
a Delaware limited liability company;  
18 Experian Information Solutions, Inc., an  
19 Ohio corporation, and  
20 Ocwen Loan Servicing, LLC  
a foreign L.L.C.,

21 Defendants.  
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Case No.: 4:15-cv-00183-JGZ

**FIRST AMENDED COMPLAINT**

**JURY TRIAL DEMAND**

1 NOW COMES THE PLAINTIFF, Ryan Gortcinsky, BY AND THROUGH  
2 COUNSEL, TRINETTE G. KENT, and for his Complaint against the Defendants,  
3  
4 pleads as follows:

5 **JURISDICTION**

- 6  
7 1. Jurisdiction of this court arises under 15 U.S.C. §1681p.  
8 2. This is an action brought by a consumer for violation of the Fair Credit  
9 Reporting Act (15 U.S.C. §1681, et seq. [hereinafter “FCRA”]).  
10

11 **VENUE**

- 12  
13 3. The transactions and occurrences which give rise to this action occurred in the  
14 City of Tucson, Pima County, Arizona.  
15 4. Venue is proper in the District of Arizona, Tucson Division.  
16

17 **PARTIES**

- 18  
19 5. The Defendants to this lawsuit are:  
20 a. Equifax Information Services, LLC (“Equifax”), which is a Georgia  
21 corporation that maintains a registered agent in Maricopa County,  
22 Arizona;  
23 b. Trans Union, LLC (“Trans Union”), which is a Delaware company that  
24 maintains a registered agent in Maricopa County, Arizona; and  
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- 1 c. Experian Information Solutions, Inc. (“Experian”) which is an Ohio  
2 company that maintains a registered agent in Maricopa County, Arizona;  
3  
4 and  
5  
6 d. Ocwen Loan Servicing, L.L.C. (“Ocwen”), which is a Delaware  
7 corporation that maintains a registered agent in Maricopa County,  
8 Arizona.

9  
10 **GENERAL ALLEGATIONS**

- 11 6. Ocwen Loan Servicing has reported a trade line with account number  
12 39856315 (“Errant Trade Line”) on Mr. Gortcinsky’s Experian, Equifax and  
13 Trans Union (“Credit Reporting Agencies” or “CRAs”) credit files with an  
14 erroneous balance, past due amount, and late payment remarks.  
15  
16 7. The Errant Trade Line relates to Mr. Gortcinsky’s second mortgage. In 2009,  
17 his house was foreclosed on in Arizona. Per Arizona’s Anti-Deficiency  
18 statutes, Plaintiff does not owe any balance or past due.  
19  
20 8. On or about July 11, 2014, Plaintiff obtained his credit reports and noticed the  
21 erroneous balance on the Errant Trade Line.  
22  
23 9. On or about November 7, 2014, Mr. Gortcinsky submitted letters to the CRAs  
24 disputing the balance on the Errant Trade Line.  
25  
26 10. Upon information and belief, the CRAs transmitted Mr. Gortcinsky’s consumer  
27 disputes to Ocwen.  
28

1 11. In December of 2014, Mr. Gortcinsky received the results of the investigation  
2 from the CRAs, which showed that Ocwen continued to reflect the Errant Trade  
3 Line.  
4

5 12. On or about March 5, 2015, Mr. Gortcinsky submitted another letter to the  
6 CRAs, disputing the Errant Trade Line.  
7

8 13. Upon information and belief, the CRAs transmitted Mr. Gortcinsky's second  
9 consumer disputes to Ocwen.  
10

11 14. On or about March 19, 2015, Mr. Gortcinsky received correspondence from  
12 Experian which stated that it reviewed the documentation he provided with his  
13 dispute, but that it had determined that it was not able to use it to make the  
14 changes or deletions that he requested. Experian stated that it was contacting the  
15 furnisher of the information and that when it completed the processing of Mr.  
16 Gortcinsky's dispute, which could take up to 30-45 days, it would send him the  
17 results.  
18  
19

20 15. On or about March 20, 2015, Mr. Gortcinsky received results of the  
21 investigation from Defendant Equifax, which showed that Ocwen retained a  
22 balance of \$44,976.00, a past due amount of \$24,865.00, and late payments as  
23 recent as February of 2015 on the Errant Trade Line.  
24  
25

26 16. On or about April 1, 2015, Mr. Gortcinsky received results of the investigation  
27 from Trans Union, which also showed that Ocwen retained a balance of  
28

1 \$44,976.00, a past due amount of \$24,865.00, and late payments as recent as  
2 March of 2015.  
3

4 17. On or about May 15, 2015, Mr. Gortcinsky obtained his Experian credit file  
5 which showed that Ocwen retained a balance of \$44,976.00 and past due  
6 amount of \$25,190.00 on the Errant Trade Line.  
7

8 **COUNT I**

9  
10 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
11 **BY OCWEN**

12 18. Plaintiff realleges the above paragraphs as if recited verbatim.

13 After being informed by the CRAs of Mr. Gortcinsky's consumer disputes to  
14 the Errant Trade Line, Ocwen negligently failed to conduct a proper  
15 reinvestigation of Mr. Gortcinsky's disputes as required by 15 USC 1681s-2(b).  
16

17 19. Ocwen negligently failed to review all relevant information available to it and  
18 provided by the CRAs in conducting its reinvestigation as required by 15 USC  
19 1681s-2(b). Specifically, it failed to direct the CRAs to remove the balance,  
20 past due amount, and late payments from the Errant Trade Line.  
21  
22

23 20. The Errant Trade Line is inaccurate and creates a misleading impression on  
24 Mr. Gortcinsky's consumer credit file with Equifax, Trans Union, and Experian  
25 to which it is reporting such trade line.  
26  
27  
28

1 21.As a direct and proximate cause of Ocwen's negligent failure to perform its  
2 duties under the FCRA, Mr. Gortcinsky has suffered damages, mental anguish,  
3 suffering, humiliation, and embarrassment.  
4

5 22.Ocwen is liable to Mr. Gortcinsky by reason of its violations of the FCRA in an  
6 amount to be determined by the trier fact together with reasonable attorneys'  
7 fees pursuant to 15 USC 1681o.  
8

9 Mr. Gortcinsky has a private right of action to assert claims against Ocwen  
10 arising under 15 USC 1681s-2(b).  
11

12 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
13 against Ocwen for damages, costs, interest, and attorneys' fees.  
14

15 **COUNT II**

16 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
17 **BY OCWEN**

18 23.Plaintiff realleges the above paragraphs as if recited verbatim.  
19

20 24.After being informed by the CRAs that Mr. Gortcinsky disputed the accuracy of  
21 the information it was providing, Ocwen willfully failed to conduct a proper  
22 reinvestigation of Mr. Gortcinsky's dispute.  
23

24 25.Ocwen willfully failed to review all relevant information available to it and  
25 provided by the CRAs as required by 15 USC 1681s-2(b).  
26  
27  
28

1 26.As a direct and proximate cause of Ocwen's willful failure to perform its  
2 respective duties under the FCRA, Mr. Gortcinsky has suffered damages,  
3 mental anguish, suffering, humiliation, and embarrassment.  
4

5 Ocwen is liable to Mr. Gortcinsky for either statutory damages or actual  
6 damages he has sustained by reason of its violations of the FCRA in an amount  
7 to be determined by the trier of fact, together with an award of punitive damages  
8 in the amount to be determined by the trier of fact, as well as for reasonable  
9 attorneys' fees that he may recover therefore pursuant to 15 USC 1681n.  
10  
11

12 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
13 against Ocwen for the greater of statutory or actual damages, plus punitive damages,  
14 along with costs, interest, and attorneys' fees.  
15

16 **COUNT III**

17 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
18 **BY EQUIFAX**  
19

20 27.Plaintiff realleges the above paragraphs as if recited verbatim.

21 28.Defendant Equifax prepared, compiled, issued, assembled, transferred,  
22 published, and otherwise reproduced consumer reports regarding Mr.  
23 Gortcinsky as that term is defined in 15 USC 1681a.  
24

25 29.Such reports contained information about Mr. Gortcinsky that was false,  
26 misleading, and inaccurate.  
27  
28

1 30. Equifax negligently failed to maintain and/or follow reasonable procedures to  
2 assure maximum possible accuracy of the information it reported to one or  
3 more third parties pertaining to Mr. Gortcinsky, in violation of 15 USC  
4 1681e(b).

5  
6 31. After receiving Mr. Gortcinsky's consumer disputes to the Errant Trade Line,  
7 Equifax negligently failed to conduct a reasonable reinvestigation as required  
8 by 15 U.S.C. 1681i.  
9

10 32. As a direct and proximate cause of Equifax's negligent failure to perform its  
11 duties under the FCRA, Mr. Gortcinsky has suffered actual damages, mental  
12 anguish and suffering, humiliation, and embarrassment.  
13 Equifax is liable to Mr. Gortcinsky by reason of its violation of the FCRA in an  
14 amount to be determined by the trier of fact together with his reasonable attorneys'  
15 fees pursuant to 15 USC 1681o.  
16  
17

18  
19 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
20 against Equifax for actual damages, costs, interest, and attorneys' fees.  
21

22 **COUNT IV**

23 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
24 **BY EQUIFAX**

25 33. Plaintiff realleges the above paragraphs as if recited verbatim.  
26  
27  
28

1 34. Defendant Equifax prepared, compiled, issued, assembled, transferred,  
2 published, and otherwise reproduced consumer reports regarding Mr.  
3 Gortcinsky as that term is defined in 15 USC 1681a.  
4

5 35. Such reports contained information about Mr. Gortcinsky that was false,  
6 misleading, and inaccurate.  
7

8 36. Equifax willfully failed to maintain and/or follow reasonable procedures to  
9 assure maximum possible accuracy of the information that it reported to one or  
10 more third parties pertaining to Mr. Gortcinsky, in violation of 15 USC  
11 1681e(b).  
12

13 37. After receiving Mr. Gortcinsky's consumer disputes to the Errant Trade Line,  
14 Equifax willfully failed to conduct a reasonable reinvestigation as required by  
15 15 U.S.C. 1681i.  
16

17 38. As a direct and proximate cause of Equifax's willful failure to perform its duties  
18 under the FCRA, Mr. Gortcinsky has suffered actual damages, mental anguish  
19 and suffering, humiliation, and embarrassment.  
20

21 Equifax is liable to Mr. Gortcinsky by reason of its violations of the FCRA in an  
22 amount to be determined by the trier of fact together with his reasonable attorneys'  
23 fees pursuant to 15 USC 1681n.  
24  
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1 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
2 against Equifax for the greater of statutory or actual damages, plus punitive  
3 damages, along with costs, interest, and attorneys' fees.  
4

5 **COUNT V**

6 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
7 **BY TRANS UNION**

8  
9 39. Plaintiff realleges the above paragraphs as if recited verbatim.

10 40. Defendant Trans Union prepared, compiled, issued, assembled, transferred,  
11 published, and otherwise reproduced consumer reports regarding Mr.  
12 Gortcinsky as that term is defined in 15 USC 1681a.  
13

14 41. Such reports contained information about Mr. Gortcinsky that was false,  
15 misleading, and inaccurate.  
16

17 42. Trans Union negligently failed to maintain and/or follow reasonable procedures  
18 to assure maximum possible accuracy of the information it reported to one or  
19 more third parties pertaining to Mr. Gortcinsky, in violation of 15 USC  
20 1681e(b).  
21

22 43. After receiving Mr. Gortcinsky's consumer disputes to the Errant Trade Line,  
23 Trans Union negligently failed to conduct a reasonable reinvestigation as  
24 required by 15 U.S.C. 1681i.  
25  
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1 44.As a direct and proximate cause of Trans Union's negligent failure to perform  
2 its duties under the FCRA, Mr. Gortcinsky has suffered actual damages, mental  
3 anguish and suffering, humiliation, and embarrassment.  
4

5 Trans Union is liable to Mr. Gortcinsky by reason of its violation of the FCRA  
6 in an amount to be determined by the trier fact together with his reasonable  
7 attorneys' fees pursuant to 15 USC 1681o.  
8

9 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
10 against Trans Union for actual damages, costs, interest, and attorneys' fees.  
11

12 **COUNT VI**

13 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
14 **BY TRANS UNION**

15 45.Plaintiff realleges the above paragraphs as if recited verbatim.  
16

17 46.Defendant Trans Union prepared, compiled, issued, assembled, transferred,  
18 published, and otherwise reproduced consumer reports regarding Mr.  
19 Gortcinsky as that term is defined in 15 USC 1681a.  
20

21 47.Such reports contained information about Mr. Gortcinsky that was false,  
22 misleading, and inaccurate.  
23

24 48.Trans Union willfully failed to maintain and/or follow reasonable procedures to  
25 assure maximum possible accuracy of the information that it reported to one or  
26 more third parties pertaining to Mr. Gortcinsky, in violation of 15 USC  
27 1681e(b).  
28

1 49. After receiving Mr. Gortcinsky's consumer disputes to the Errant Trade Line,  
2 Trans Union willfully failed to conduct a reasonable reinvestigation as required  
3 by 15 U.S.C. 1681i.  
4

5 50. As a direct and proximate cause of Trans Union's willful failure to perform its  
6 duties under the FCRA, Mr. Gortcinsky has suffered actual damages, mental  
7 anguish and suffering, humiliation, and embarrassment.  
8

9 51. Trans Union is liable to Mr. Gortcinsky by reason of its violations of the FCRA  
10 in an amount to be determined by the trier of fact together with his reasonable  
11 attorneys' fees pursuant to 15 USC 1681n.  
12  
13

14  
15 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
16 against Trans Union for the greater of statutory or actual damages, plus punitive  
17 damages, along with costs, interest, and attorneys' fees.  
18

19 **COUNT VII**

20 **NEGLIGENT VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
21 **BY EXPERIAN**

22 52. Plaintiff realleges the above paragraphs as if recited verbatim.  
23

24 53. Defendant Experian prepared, compiled, issued, assembled, transferred,  
25 published, and otherwise reproduced consumer reports regarding Mr.  
26 Gortcinsky as that term is defined in 15 USC 1681a.  
27  
28

1 54. Such reports contained information about Mr. Gortcinsky that was false,  
2 misleading, and inaccurate.

3  
4 55. Experian negligently failed to maintain and/or follow reasonable procedures to  
5 assure maximum possible accuracy of the information it reported to one or  
6 more third parties pertaining to Mr. Gortcinsky, in violation of 15 USC  
7 1681e(b).

8  
9 56. After receiving Mr. Gortcinsky's consumer disputes to the Errant Trade Line,  
10 Experian negligently failed to conduct a reasonable reinvestigation as required  
11 by 15 U.S.C. 1681i.

12  
13 57. As a direct and proximate cause of Experian's negligent failure to perform its  
14 duties under the FCRA, Mr. Gortcinsky has suffered actual damages, mental  
15 anguish and suffering, humiliation, and embarrassment.

16  
17 Experian is liable to Mr. Gortcinsky by reason of its violation of the FCRA in  
18 an amount to be determined by the trier of fact together with his reasonable  
19 attorneys' fees pursuant to 15 USC 1681o.

20  
21 **WHEREFORE, PLAINTIFF PRAYS** that this court grant him a judgment  
22 against Experian for actual damages, costs, interest, and attorneys' fees.

23  
24 **COUNT VIII**

25 **WILLFUL VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
26 **BY EXPERIAN**

27  
28 58. Plaintiff realleges the above paragraphs as if recited verbatim.

1 59. Defendant Experian prepared, compiled, issued, assembled, transferred,  
2 published, and otherwise reproduced consumer reports regarding Mr.  
3 Gortcinsky as that term is defined in 15 USC 1681a.  
4

5 60. Such reports contained information about Mr. Gortcinsky that was false,  
6 misleading, and inaccurate.  
7

8 61. Experian willfully failed to maintain and/or follow reasonable procedures to  
9 assure maximum possible accuracy of the information that it reported to one or  
10 more third parties pertaining to Mr. Gortcinsky, in violation of 15 USC  
11 1681e(b).  
12

13 62. After receiving Mr. Gortcinsky's consumer disputes to the Errant Trade Line,  
14 Experian willfully failed to conduct a reasonable reinvestigation as required by  
15 15 U.S.C. 1681i.  
16

17 63. As a direct and proximate cause of Experian's willful failure to perform its  
18 duties under the FCRA, Mr. Gortcinsky has suffered actual damages, mental  
19 anguish and suffering, humiliation, and embarrassment.  
20

21 64. Experian is liable to Mr. Gortcinsky by reason of its violations of the FCRA in  
22 an amount to be determined by the trier of fact together with his reasonable  
23 attorneys' fees pursuant to 15 USC 1681n.  
24  
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## JURY DEMAND

KENT LAW OFFICES

By: /s/ Trinette G. Kent  
Trinette G. Kent  
Attorneys for Plaintiff,  
Ryan Gortcinsky

